<u>THIS OPINION WAS NOT WRITTEN FOR PUBLICATION</u>

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____

<u>Ex parte</u> MASATAKA NAKASUJI,
SHOICHI KAWAI, YOSHIRO KIHARA,
JUNICHI SAITOU and YOUKO NISHIOKA

_____

Appeal No. 1998-0641
Application 08/354,158

_____

HEARD: APRIL 17, 2000

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Before THOMAS, JERRY SMITH and BARRY, <u>Administrative Patent
Judges</u>.

THOMAS, <u>Administrative Patent Judge</u>.

<u>DECISION ON APPEAL</u>

    Appellants have appealed to the Board from the examiner's

final rejection of claims 1 and 3 through 24, which constitute

all the claims remaining in the application.

    Representative claim 1 is reproduced below:

    1. An electronic apparatus for maintaining confidentiality
of

data, comprising:

a display for displaying data;

means for optionally setting a confidential mode and indicating whether the electronic apparatus is currently in a confidential mode;

processing circuitry for determining whether data to be displayed is confidential, and displaying confidential data on said display after converting the confidential data into different data using a code converter if said electronic apparatus is set in a confidential mode.

The following references are relied on by the examiner:

Karasawa et al. (Karasawa)   4,786,900   Nov. 22, 1988

WordPerfect for Windows, Version 5.1, pp. 3, 12, 13, 347 and 348 (1991)(WordPerfect Corp.).

Simpson, "Mastering WordPerfect 5.1 & 5.2 for Windows," pp. 5 and 408-10 (1993)(Sybex).

Claims 1 and 3 through 24 stand rejected under 35 U.S.C. §

103. As evidence of obviousness, the examiner relies upon either

WordPerfect reference each in view of Karasawa.

Rather than repeat the positions of the appellants and the

examiner, reference is made to the briefs and the answer for the

respective details thereof.

OPINION

We reverse.

As most succinctly stated at page 3 of the principal brief on appeal as well as the top of page 4 of the reply brief, the subject matter of the independent claims 1, 6, 10 and 18 on appeal is that confidential information is displayed to the user in encrypted form. In somewhat an awkwardly worded manner, the displaying function of this converted confidential data in independent claim 1 on appeal is stated to occur only after the actual confidential data has been converted into a different data using a code converter when the electronic apparatus as a whole is set in a confidential mode. Claim 6 requires the displaying of the converted data. Claims 10 and 18 both require displaying scrambled data.

Assuming for the sake of argument that it would have been obvious within 35 U.S.C. § 103 to have separately combined each of the two WordPerfect teachings relied upon by the examiner with Karasawa, the subject matter of each independent claim on appeal would not have been met by the combination.

In accordance with the general password teachings of the two WordPerfect documents relied upon by the examiner as well as the password teachings of Karasawa, conceptually, password protection

per se does not change, convert, scramble or otherwise encrypt

the raw data itself, which is desired to be kept confidential.

On the other hand, password protection systems merely control

access to the raw data itself.

As one aspect of the examiner's reliance upon the two

WordPerfect documents, the examiner asserts at page 10 of the

answer that the displaying feature of converted confidential data

reads upon password characters which have been converted to

asterisks during the entry of the password per se. This position

is misplaced since the asterisks in this context merely represent

or are in the context of passwords and do not represent the data

itself to be protected or maintained confidential. The asterisks

bear no relevance to the conversion of the confidential data, the

data desired to be kept confidential in accordance with the

WordPerfect teachings.

As appellants point out in the substitute brief and reply

brief, Karasawa is, as the title of this patent reflects, an

electronic key apparatus which first utilizes a password input by

the user to gain access to the electronic key functions of the

device. A device which has an electronic lock, thus

necessitating an electronic key, is shown in Figure 2 as the

jewel box 10 having set according to digital dial switches 14 a

combination to unlock the lock. In accordance with the operation

of the overall device in Figure 3, the wrist watch 1 transfers

optically this same encoded information for comparison in the

jewel box 10. The RAM 23 in Figure 4 of the system of Figure 3

permits the user to enter not only the respective data items by

name, which have an electronic lock associated with them but

also, at the same time, a so-called encrypted code associated

therewith for each item stored. Functionally, this occurs in

accordance with the teaching beginning at column 16, line 5.

The examiner appears to have misconstrued this teaching and

showing in Karasawa in that the data item JEWEL of Figure 4 has

entered associated with it the unlocking code of 0425 to unlock

the jewel box 10 of Figure 2, where the same code is depicted

there with the key switches 14 associated with the jewel box

itself. The numerical value of 0425 does not represent, in the

context of Karasawa's teachings, an encrypted, encoded, converted

or scrambled representation of the word "jewel." A similar

observation can be made with respect to the other separate items

listed in Figure 4 of Karasawa. We recognize that, in accordance

with some teachings in different modes of Karasawa, the word

"jewel" may be associated with its unlocking code 0425. Taken in its best light, the examiner's rejection must be reversed simply because there is no displaying of converted confidential data <u>per se</u> or displaying the scrambled data entry items among the various independent claims 1, 6, 10 and 18 on appeal. That being the case, the examiner's rejection of the respective dependent claims on each independent claim on appeal must also be reversed.

In view of the foregoing, the decision of the examiner rejecting claims 1 and 3 through 24 under 35 U.S.C. § 103 is reversed.

<u>REVERSED</u>

James D. Thomas   )
Administrative Patent Judge   )
)
)
)
Jerry Smith   ) BOARD OF PATENT
Administrative Patent Judge   )   APPEALS AND

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<tr><td>Lance Leonard Barry</td><td>)</td><td></td></tr>
<tr><td>Administrative Patent Judge</td><td>)</td><td></td></tr>
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